

Attorney's Docket No. WSHU 2064.1

**DECLARATION AND POWER OF ATTORNEY**

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THE GENE FOR A DOF TRANSCRIPTION FACTOR CAPABLE OF ALTERING THE SIZE AND STATURE OF A PLANT

the specification of which:

(check one)

[X] is attached hereto

[ ] was filed on \_\_\_\_\_ as Application Serial No.

\_\_\_\_\_, and was amended on \_\_\_\_\_.

[ ] was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_, if any.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

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**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Priority Claimed**

_____	(Number)	(Country)	(Day/Month/Year Filed)
_____	(Number)	(Country)	(Day/Month/Year Filed)
_____	(Number)	(Country)	(Day/Month/Year Filed)

**Priority Not Claimed**

**ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED**

_____	(Number)	(Country)	(Day/Month/Year Filed)
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**CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

_____	60/406,657 (Application Number)	_____	08/28/2002 (Filing Date)
_____	(Application Number)	_____	(Filing Date)

Attorney's Docket No. WSHU 2064.1

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)  
UNDER 35 U.S.C. 120**(complete this part only if this is a divisional,  
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Serial No.)	(Filing Date)	(Status)
(Serial No.)	(Filing Date)	(Status)

**POWER OF ATTORNEY**

I hereby appoint the following attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), Richard L. Bridge (40,529), Christopher M. Goff (41,785), Derick E. Allen (43,468), Michael G. Munsell (43,820), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Kathryn J. Doty (40,593), James J. Barta, Jr. (47,409), James E. Davis (47,516), Richard A. Schuth (47,929), Jennifer E. Hoekel (48,330), Timothy B. McBride (47,781), David L. Howard (41,502), Andrew N. Claerbout (50,202), Thomas F. Maloney (50,156), James D. Harper (51,781), Jeffrey S. Ellsworth (51,650), Patricia K. Fitzsimmons (52,894), Kofi Adzamli (52,545), Andrew C. Wegman (P-54,530) and Bradley S. Schammel (P-54,667), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

Attorney's Docket No. WSHU 2064.1

Send Correspondence To:

Customer Number: 000321

Direct Telephone Calls To:

Timothy B. McBride  
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole or first inventor Michael M. Neff

Inventor's signature M. Neff Date 8/27/03

Residence St. Louis, Missouri Citizenship US

Post Office address One Brookings Drive, Campus Box 1137

St. Louis, Missouri 63130



WSHU 2004  
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APRIL 16, 2003

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SENNIGER, POWERS, LEAVITT ET AL.  
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ST. LOUIS, MO 63102

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



\*102313257A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 12/12/2002

REEL/FRAME: 013569/0971

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

NEFF, MICHAEL M. ✓

DOC DATE: 11/21/2002

ASSIGNOR:

WASHINGTON UNIVERSITY OF ST. ✓

LOUIS, MISSOURI

ONE BROOKINGS DRIVE

ST. LOUIS, MISSOURI 63130

SERIAL NUMBER: 60406657 ✓

FILING DATE: 08/28/2002 ✓

PATENT NUMBER:

ISSUE DATE:

THERESA FREDERICK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Bern

12-17-2002

Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

RECO

S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Michael M. Neff

12-12-02

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other

Execution Date: November 21, 2002

## 2. Name and address of receiving party(ies)

Name: Washington University of St. Louis, Missouri

Internal Address:

Street Address: One Brookings Drive

City: St. Louis State: MO Zip: 63130

Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

60/406,657

## B. Patent No.(s)

Additional number(s) attached  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Timothy B. McBride

Internal Address:

Senniger, Powers, Leavitt &amp; Roedel

Street Address:

One Metropolitan Square, 16th Floor

City: St. Louis State: MO Zip: 63102

## 6. Total number of applications and patents involved:

1

## 7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

19-1345

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Timothy B. McBride

Name of Person Signing

Signature

December 12, 2002

Date

4

Total number of pages including cover sheet, attachments, and document:

12/17/2002 LMUELLER 0000023 60406657

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

01 FC:8021

40.00 DP

ASSIGNMENT

WHEREAS, I, Michael M. Neff of St. Louis, Missouri have invented an improvement in GENE FOR A DOF TRANSCRIPTION FACTOR CAPABLE OF ALTERING THE SIZE AND STATURE OF A PLANT described in a provisional application for a United States patent Serial No. 60/406,657, filed August 28, 2002 (Our File WSHU 2064);

AND, WHEREAS, Washington University of St. Louis, Missouri, a corporation of the State of Missouri (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, I have agreed to and do hereby sell, assign, and transfer unto said ASSIGNEE the entire right, title, and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States applications or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

TO BE HELD AND ENJOYED by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by me had no sale and assignment of said interest been made;

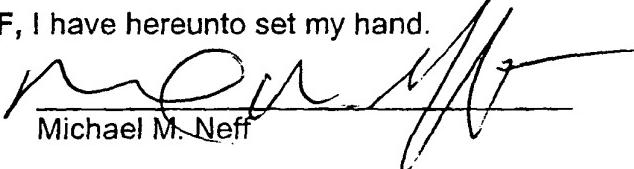
**AND I hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;**

**AND I hereby agree for myself and for my heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;**

**AND I hereby covenant for myself and my legal representatives, and agree with said ASSIGNEE, its successors and assigns, that I have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed my right, title, and interest in said invention had not been otherwise encumbered, and that I have not executed and will not execute any instrument in conflict herewith.**

**IN WITNESS WHEREOF, I have hereunto set my hand.**

11/21/02  
Date

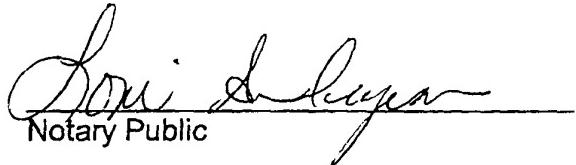
  
Michael M. Neff

ACKNOWLEDGEMENT

STATE OF Missouri )  
COUNTY OF St Louis )

On this 21 day of March, 2002, before me, a Notary Public, personally appeared Michael M. Neff to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

  
\_\_\_\_\_  
Lori Shugart  
Notary Public

My Commission Expires:

11-19-05

EJH/dep